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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 11-00495 LHK
)	
v.)	STIPULATION AND [PROPOSED] PROTECTIVE
)	ORDER REGARDING DISCOVERY MATERIALS
MARIA AGUILAR,)	
)	
)	
Defendant.)	
)	

With the agreement of the parties and defendant's consent, the Court enters the following Order.

Defendant is charged with a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii), Possession with Intent to Distribute and Distribution of Methamphetamine. Per defendant's request, the United States will produce documents and audio and video recordings pertaining to the defendant and the charged drug transactions (hereinafter, the "DISCOVERY MATERIALS") to defense counsel, in lieu of making those DISCOVERY MATERIALS available for review only. Any such materials are deemed produced pursuant to the following restrictions:

1. Except when actively being examined for the purpose of the preparation of the defense of defendant, the DISCOVERY MATERIALS shall be maintained in a locked, safe, and secure

1 drawer, cabinet, or safe or password-protected electronic device (e.g., computer, memory stick), which
2 is accessible only to defense counsel, members of his or her law firm who are working with him or her
3 to prepare defendant's defense, and his or her investigator(s). Defense counsel, members of his or her
4 law firm, defendant, and the investigator(s) shall not permit any person access of any kind to the
5 DISCOVERY MATERIALS except as set forth below.

6 2. The following individuals may examine the DISCOVERY MATERIALS for the
7 sole purpose of preparing the defense of defendant and for no other purpose:

- 8 a) counsel for defendant;
- 9 b) members of defense counsel's law office who are assisting with the
10 preparation of defendant's defense;
- 11 c) defendant, but only in the presence of defense counsel or another
12 authorized person listed in this paragraph (defendant may not take or
13 maintain the DISCOVERY MATERIALS or copies thereof); and
- 14 d) investigators and/or experts retained by defendant to assist in the defense
15 of this matter.

16 If defense counsel determines that additional persons are needed to review the
17 DISCOVERY MATERIALS, he or she must obtain a further order of the Court before allowing any
18 other individual to review the materials.

19 3. A copy of this Order shall be maintained with the DISCOVERY MATERIALS at
20 all times.

21 4. All individuals other than defense counsel and defendant who receive access to
22 the DISCOVERY MATERIALS, prior to receiving access to the materials, shall sign a copy of this
23 Order acknowledging that:

- 24 a) they have reviewed the Order;
- 25 b) they understand its contents;
- 26 c) they agree that they will only access the DISCOVERY MATERIALS for
27 the purposes of preparing a defense for defendant; and

1 d) they understand that failure to abide by this Order may result in sanctions
2 by this Court.

3 Counsel for defendant shall either: (1) send signed copies of the Order to counsel
4 for the United States; or (2) file signed copies of the Order, ex parte and under seal. The United States
5 shall have no access to the signed copies filed under seal without further order of the Court.

6 5. No other person shall be allowed to examine the DISCOVERY MATERIALS
7 without further order of the Court. Examination of the DISCOVERY MATERIALS shall be done in a
8 secure environment which will not expose the materials to other individuals not listed above.

9 6. The DISCOVERY MATERIALS may be duplicated to the extent necessary to
10 prepare the defense of this matter. Any duplicates will be treated as originals in accordance with this
11 Order.

12 7. If the DISCOVERY MATERIALS are attached to any pleadings or other court
13 submissions, the DISCOVERY MATERIALS and any pleadings or submissions referencing those
14 materials shall be filed or lodged under seal.

15 8. The defense team shall return the DISCOVERY MATERIALS (and any duplicate
16 copies of the same) to the United States fourteen calendar days after any one of the following events,
17 whichever is latest in time, occurs: dismissal of all charges against defendant; defendant's acquittal by
18 court or jury; or the conclusion of any direct appeal.

19 9. After the conclusion of proceedings in the district court or any direct appeal in the
20 above-captioned case, the United States will maintain a copy of the DISCOVERY MATERIALS. The
21 United States will maintain the DISCOVERY MATERIALS until the time period for filing a motion
22 pursuant to 28 U.S.C. § 2255 has expired. After the statutory time period for filing such a motion has
23 expired, the United States may destroy the DISCOVERY MATERIALS. In the event defendant is
24 represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide
25 that counsel with a copy of the DISCOVERY MATERIALS under the same restrictions as trial and
26 direct appeal defense counsel. Defendant's attorney in any action under 28 U.S.C. § 2255 shall return
27 the same materials fourteen calendar days after the district court's ruling on the motion or fourteen
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1 calendar days after the conclusion of any direct appeal of the district court's denial of the motion,
2 whichever is later.

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4 MELINDA HAAG
5 United States Attorney

6 Dated: February 6, 2014

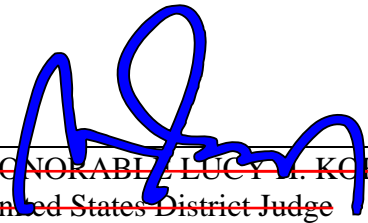
7 /s/
8 STEPHEN MEYER
9 AMIE ROONEY
10 Assistant United States Attorneys

11 Dated: February 5, 2014

12 /s/
13 CARLEEN R. ARLIDGE
14 Counsel for defendant Maria Aguilar

15 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted as set
16 forth above.

17 DATED: ~~February~~ March 12, 2014

18 
19 ~~HONORABLE LUCY L. KOH~~
20 ~~United States District Judge~~
21 HONORABLE HOWARD R. LLOYD
22 United States Magistrate Judge
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